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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,252	08/17/2006	Francois Audeon	GB040041US1	6023
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NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 07/22/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/590,252

**Applicant(s)**

AUDEON, FRANCOIS

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date 8/17/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsujii et al (6,928,234) .

Regarding claims 1 and 13, Tsujii discloses a method and a apparatus for indexing video data by the creation of a plurality of scaled-down reference pictures (thumbnail picture and including the steps of:

creating an index file comprising a plurality of compression-encoded reference frames (frames 1-7 normal size); and adding the plurality of reference pictures creating during recording of the video data to a respective plurality of the said compression - encoded reference frames; the compression-encoded reference frames being capable of containing a plurality of reference pictures each created from a plurality of different video recordings (Fig. 8, sections 0048-0052).

3. Claims 1-10,12-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa (7,050,700). .

Regarding claims 1 and 13, Ishikawa Tsujii discloses a method and a apparatus (Fig. 1, column 3 for indexing video data by the creation of a plurality of scaled-down reference pictures (reduced pictures) and including the steps of:

creating an index file comprising a plurality of compression-encoded reference frames (reference pictures) ; and adding the plurality of reference pictures creating during recording of the video data to a respective plurality of the said compression - encoded reference frames; the compression-encoded reference frames being capable of containing a plurality of reference pictures each created from a plurality of different video recordings..

Regarding claims 2 and 14, Ishikawa further teaches the index file includes the step of associating the index file with a database describing the index's layout and content (Fig. 7).

Regarding claims 3 and 15 Ishikawa teaches a method as claimed in Claim 2, wherein the associated database is arranged to define the association between a scaled-down reference picture sequence and the video data.(Fig. 7)

Regarding claims 4 and 16 Ishikawa teaches a method as claimed in claim 2, wherein the associated database is provided at the same location as the index file (Fig. 7).

Regarding claims 5 and 17 Ishikawa teaches a method as claimed in claim 1, and including the step of providing a predetermined plurality of compression-encoded reference frames within the index file (Fig. 7).

Regarding claims 6 and 18, Ishikawa teaches a method as claimed in Claim 5, wherein a corresponding plurality of scaled-down reference pictures are extracted from the video data for addition, in a respective manner, to the plurality of compression-encoded reference frames (Fig. 7).

Regarding claim 7 and 19 Ishikawa teaches a method as claimed in claim 1, wherein the plurality of reference pictures are added to the respective plurality of compression-encoded reference frames within the compressed domain (Fig. 7).

Regarding claims 8 and 20, Ishikawa teaches a method as claimed in claim 1, wherein each of the plurality of reference pictures is added to the respective one of the plurality of compression-encoded reference frames at a position depending on the layout of each compression-encoded frame.(Fig. 7).

Regarding claims 9, and 21 Ishikawa teaches a method as claimed claim 1, wherein each of the plurality of reference pictures is added to the respective one of the plurality of compression-encoded reference frames at a position depending on the current content of each compression-encoded frame (Fig. 7)

Regarding claim 10 , Ishikawa teaches a method as claimed in claim 1, wherein the compression-encoded reference frames comprise MPEG encoded reference frames (Figs. 6,7).

Regarding claim 12, Ishikawa teaches a method as claimed in claim 1, and including the step of displaying a plurality of scaled-down reference picture sequences as retrieved from the plurality of compression-encoded reference frames (Fig. 7)..

22. (Currently Amended) An apparatus as claimed in claim 1, wherein the compression-encoded reference frames comprise MPEG encoded reference frames (Figs. 6-7).

24. (Currently Amended) An apparatus as claimed in claim 1, and including the step of displaying a plurality of scaled-down reference picture sequences as retrieved from the plurality of compression-encoded reference frames (Figs. 6-7).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa in view of Hibi et al (5,546,191).

Regarding claims 11 and 23, Ishikawa fails to specifically teach forming index subsequent to recordal of video. Hibi teaches a recording/ reproducing apparatus having a index forming means for forming index of still picture during recording of a video signal or subsequent to recordal of a video signal ( index formed by using reproduced video signal , column 29, lines 24-30, Figs.10 and 16) . It would have been obvious to one of ordinary skill in the art by using a forming means as taught by Hibi with the creating means of Ishikawa apparatus for creating index subsequent to recordal of video data thereby enhancing the capacity of the apparatus of Ishikawa .

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621

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